

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE TO CREATE THE "VINEYARDS WEST PROJECT HOUSING ENTERPRISE ZONE", LOCATED IN THE CITY OF ATLANTA, LAND LOTS 249 AND 259, PARCEL NUMBERS 17-249-LL-18-8 AND 17-259-LL-155-5; TO PROVIDE NOTIFICATION TO THE TAX COMMISSIONER, SCHOOL SUPERINTENDENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND FOR OTHER PURPOSES.

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS, certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta/Fulton County Urban Enterprises Zone Act, as amended, have been met relative to the creation of the proposed “Vineyards West Project Housing Enterprises Zone.”

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the “Vineyards West Project Housing Enterprise Zone” is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the “Vineyards West Project Housing Enterprise Zone”, are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically-and socially-depressed areas designated herein as urban enterprise zones.

SECTION 2: The “Vineyards West Project Housing Enterprise Zone” is hereby created for the subject property, to be located in District 10, City of Atlanta, land lots 249 and 259, parcel numbers 17-249-LL-18-8 and 17-259-LL-155-5. The effective date of all exemptions established therein shall be January 1, 2009. The “Vineyards West Project Housing Enterprise Zone” shall be abolished on December 31, 2019. The “Vineyards West Project Housing Enterprise Zone” shall otherwise not be abolished except as provided in State law. A legal description and map of the “Vineyards West Project Housing Enterprise Zone” are attached hereto as Exhibits “A” and “B”, are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

SECTION 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the “Vineyards West Project Housing Enterprise Zone” to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

SECTION 4: That all Ordinances and parts of Ordinances that are in conflict herewith are hereby repealed to the extent of the conflict.

EXHIBIT A

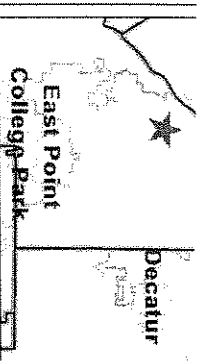
The Premises

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 249 and 259 of the 17th District of Fulton County, Georgia, as recorded in Plat Book 91, page 39, Fulton County, Georgia, records and being more particularly described as follows:

Beginning at the intersection of the easterly right of way line of James Jackson Parkway (70 foot right of way) and the land lot line dividing Land Lots 249 and 259 of said District, County, and State; running thence northerly along the easterly right of way line of James Jackson Parkway 718.5 feet to a point; running thence North 88 degrees 59 minutes East 781.3 feet to the northwesterly right of way line of Hightower Road (40 foot right of way); running thence southwesterly along the northwesterly right of way line of Hightower Road 822.0 feet to a point; running thence North 89 degrees 37 minutes West a distance of 339.2 feet to the easterly right of way line of James Jackson Parkway running thence northerly along the easterly right of way line of James Jackson Parkway 10.7 feet to its intersection with the line dividing Land Lots 249 and 259 and the point of beginning. This being the same property as more particularly described and shown on plat of survey prepared by A.S. Giometti & Associates, Inc. dated August 7, 2002, containing 9.6747 acres or 421,430 square feet.

The above-described property is comprised of the following tax map reference/parcel identification numbers: 17-249-LL-18-8 and 17-259-LL-155-5.

Vineyards West IJEZ



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Scale: 1:2,676

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/ Human Resources

Caption: AN ORDINANCE TO CREATE THE "VINEYARDS WEST PROJECT HOUSING ENTERPRISE ZONE", LOCATED IN THE CITY OF ATLANTA, LAND LOTS 249 AND 259, PARCEL NUMBERS 17-249-LL-18-8 AND 17-259-LL-155-5; TO PROVIDE NOTIFICATION TO THE TAX COMMISSIONER, SCHOOL SUPERINTENDENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND FOR OTHER PURPOSES.

Council Meeting Date: May 5, 2008

Requesting Dept.: Department of Planning

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation to approved a housing enterprise zone for the Vineyards West Project in NPU I, Council District 10, parcel ID numbers 17-249-LL-18-8 and 17-259-LL-155_5for a multifamily development by the Vineyards West L.P. development group. Total number of units for this development is 240 This UEZ to be effective for the period 1/1/09-12/31/19.

2. Please provide background information regarding this legislation.

The HEZ is consistent with the city's goal of providing affordable housing.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

5. Source of Funds: *Example: Local Assistance Grant*

6. **Fiscal Impact:** The HEZ is an abatement program, therefore city property taxes for the units built as a result of this project would be abated for the time period specified by the HEZ policy and the city would begin to receive taxes on a prorated share in the 6th year of project.

7. **Method of Cost Recovery:** City property taxes will be generated after the abatement period.

This Legislative Request Form Was Prepared By: garnett brown

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: 404-330-6724

Originating Department: Department of Planning

Committee(s) of Purview: Community Development/ Human Resources

Chief of Staff Deadline: May 14, 2008, 2008

Anticipated Committee Meeting Date(s): May 27-28, 2008

Anticipated Full Council Date: June 2, 2008

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO CREATE THE "VINEYARDS WEST PROJECT HOUSING ENTERPRISE ZONE", LOCATED IN THE CITY OF ATLANTA, LAND LOTS 249 AND 259, PARCEL NUMBERS 17-249-LL-18-8 AND 17-259-LL-155-5; TO PROVIDE NOTIFICATION TO THE TAX COMMISSIONER, SCHOOL SUPERINTENDENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 5.14.08 Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)